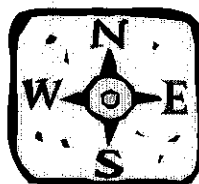# Chapter 9.   Mitigation Strategies Monitoring Plan

The CALFED Bay-Delta Program is proposing a monitoring and reporting program to ensure that mitigation strategies described in this Draft Programmatic EIS/EIR are selected and implemented as part of future project-specific actions. This chapter summarizes the process by which mitigation strategies could be adopted, monitored, and documented, as well as how the process of monitoring and reporting could take place.

9. Mitigation Strategies Monitoring Plan

9.1 INTRODUCTION

Section 21081.6 of the State CEQA Guidelines requires public agencies to adopt a reporting or monitoring program whenever a project or program is approved that includes mitigation measures identified in an environmental document. The CALFED Bay-Delta Program (Program) intends that mitigation strategies adopted in the Final Programmatic EIS/EIR be used to guide and formulate mitigation measures adopted in subsequent project-specific environmental documents that implement the Preferred Program Alternative.

This document outlines a monitoring and reporting program designed to ensure that mitigation strategies recommended in this Draft Programmatic EIS/EIR are implemented by selecting the applicable measures for site-specific actions as specific projects are developed. The Mitigation Strategies Monitoring Plan is included in this document for comment and will be presented in a final form in the Final Programmatic EIS/EIR. The plan describes the mitigation strategies proposed in this Draft Programmatic EIS/EIR and outlines a monitoring and reporting program that will be developed prior to final approval. An institutional framework is required to conduct the mitigation and monitoring program. One possibility is to include the mitigation strategies monitoring and reporting program in the CMARP process. CMARP is a planning process that is developing the institutional framework and funding requirements to monitor, assess, and conduct research necessary to evaluate and guide the implementation of Program elements.

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9.2 MITIGATION STRATEGIES

The analyses presented in this Draft Programmatic EIS/EIR provide information to decision makers and the general public on the range of possible environmental consequences associated with each Program alternative. Mitigation strategies are proposed where potentially significant adverse environmental impacts have been identified. The mitigation strategies provide an array of actions that could be used

to mitigate a significant adverse environmental impact. The mitigation strategies will be used to guide proposed mitigation measures in subsequent project-specific environmental documents. Because all the potential actions and impacts for second-tier projects cannot be anticipated at a programmatic level, each project will need to select those strategies and actions applicable to the specific location and type of action. For example, it may be possible to apply the agricultural resources mitigation strategy of using public land for Program activities in some geographic locations where suitable public land exists, but not in others where little or no public land is available.

At a programmatic level, the Program has developed mitigation strategies, or a list of options for mitigation measures, to address the Program's impacts on environmental resources. As part of subsequent environmental review for implementation of Program project-level actions, CALFED will consider those strategies that are applicable to the proposed actions. The Program also may develop and consider additional site-specific mitigation measures prior to approval of subsequent projects.

At the project-specific level of environmental review, the Program will review the site characteristics, size, nature, and timing of proposed actions to determine whether the impacts of the specific projects are potentially significant or may be mitigated to a less-than-significant level. However, since it is not possible to precisely assess the site-specific impacts or potential for mitigation of project-level impacts at this time, this document treats these impacts at a programmatic level as potentially significant. Where it is anticipated that feasible mitigation measures may not be available to reduce these impacts to a less-than-significant level, this document treats these impacts at the programmatic level as potentially significant and unavoidable. Future environmental review will be needed to determine the impacts of specific actions and appropriate mitigation for project-specific actions.

For all projects carried out after adoption of a Preferred Program Alternative, environmental documents complying with NEPA and CEQA will be prepared to address the specific environmental effects of that project. Specific mitigation measures will be proposed for any potentially significant impact identified in the project-specific documents. A separate CEQA monitoring and reporting plan also is required for site-specific projects for which an EIR is prepared.

The monitoring and reporting discussed in this plan, therefore, is to ensure that the mitigation strategies discussed in this Draft Programmatic EIS/EIR are considered and adequately addressed when specific projects are developed. The specifications for project monitoring and reporting could be developed during preparation of environmental documents for specific projects, during review of draft environmental documents, or both. Whichever method is selected, an institutional framework is needed to carry out the monitoring and reporting program. Such an institutional framework needs the structure, resources, budget, and long-term viability to conduct the program. The institutional framework established in the CMARP implementation stage may provide an appropriate

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mechanism for instituting the program. The selected institutional framework also may be an appropriate forum for reporting on and monitoring specific mitigation required for future projects. Other options include using existing agency institutional frameworks or developing a new entity charged with this task. If an existing agency or new entity are used to monitor and report on mitigation activities, the exchange of information between the CMARP and the responsible entity would need to be established. This would ensure that implementation of the project-specific compensatory mitigation is consistent with the Program's objectives and contributes to its overall success.

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9.3 MONITORING AND REPORTING PROCESS

The discussion about the monitoring and reporting process contained in this document is consistent with the programmatic nature of the Program's Phase II environmental documents. The discussion is general because most specific actions have not been determined at this time. The programmatic EIS/EIR provides the general direction for long-term implementa-

Staging and Adaptive Management

Central features of the Program are staged decision making, staged implementation, and adaptive management. The Preferred Program Alternative is composed of hundreds of individual actions that will be implemented and refined over the 20- to 30-year implementation period. Monitoring of Program actions is critical to the long-term success of the Program. Monitoring will provide essential information that will allow informed decision making, implementation, and effective application of adaptive management concepts.

tion but not the specific information necessary for every decision required during the 20- to 30-year implementation period. Not all decisions need to or can be made at the outset of implementation. Therefore, stages will be identified with logical implementation milestones and decision-making points. In this way, adaptive management can be applied equally well to a series of incremental actions (such as ecosystem restoration) or to a major single-decision project (such as surface storage or conveyance).

Work is continuing on the planning of Stage 1 actions for implementation. These actions cannot be implemented until the completion of the programmatic environmental document and subsequent project-specific environmental evaluation, where appropriate.

According to the 1996 Tracking CEQA Mitigation Measures under AB 3180 from the Governor's Office of Planning and Research, a program for monitoring and reporting on mitigation measures should contain certain components. These components are presented below, modified to meet the Program's need to monitor and report on whether or not the mitigation strategies in this Draft Programmatic EIS/EIR have been considered in project-specific analysis.

- Assemble a list of mitigation strategies adopted in the Final Programmatic EIS/EIR. This list could be a checklist or table.

- Establish a process and schedule for checking that mitigation strategies are being considered while environmental documents are prepared for specific projects. This schedule needs to be flexible, given the phased and undetermined timing of future projects.

- Describe a means of recording compliance at the time of each check. This could include completing a checklist or otherwise documenting that a review or other activity had been conducted, indicating that the mitigation strategies have been considered.

- Assign to specific people or agencies the responsibility for monitoring how the mitigation strategies and related conditions of approval have been considered.

- Ensure that the monitoring reflects the independent judgment of the public agency responsible for the program, if the monitoring is to be contracted to private individuals or firms.

- Provide funding for the monitoring program.

- Provide a mechanism for responding to a failure to adequately consider any mitigation strategy.

- Provide a mechanism for implementing remedial measures, should monitoring indicate that the mitigation is not performing as anticipated.

Many institutions, both in and outside the Program partnership, are involved in monitoring and applied research that can contribute to the design and assessment of environmental rehabilitation programs. The Program will need to prepare for Congress, the California Legislature, government agencies, stakeholders, and the general public a status report that describes the Program's effectiveness in achieving the stated program goals. A CMARP program is the most effective means of providing the information necessary for this reporting.

As noted, the CEQA monitoring and reporting process may be incorporated as an element of the CMARP. The CMARP is being developed; after the CMARP recommendations are adopted, a second more detailed process will begin that refines the monitoring program.

If the CMARP process is not selected as the institutional framework for the Mitigation Strategies Monitoring Program, another framework will be identified. This framework will need to provide for long-term coordinating, monitoring, and reporting on mitigation strategies adopted in the Final Programmatic EIS/EIR. CALFED agencies or other state and federal agencies may take the lead in implementing specific actions and therefore could be assigned responsibility for mitigation monitoring.

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